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Chairman: Mr. Ali. . . . . (Malaysia)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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The meeting was called to order at 10.10 a.m.

Agenda item 164: Financing of the United Nations Mission in the Central African Republic and Chad (A/62/544 and A/62/572)

1. **Mr. Sach** (Controller), introducing the report of the Secretary-General on the budget for the United Nations Mission in the Central African Republic and Chad for the period from 1 July 2007 to 30 June 2008 and expenditure report for the period from 1 March to 30 June 2007 (A/62/544), said that, by its resolution 1778 (2007), the Security Council had established the United Nations Mission in the Central African Republic and Chad (MINURCAT) and had decided that the Mission would consist of an appropriate civilian component, including up to 300 police personnel, and an initial component of up to 50 military liaison officers. Acting under Chapter VII of the Charter of the United Nations, the Security Council, in the same resolution, had authorized the European Union to contribute to protecting civilians in danger, particularly refugees and displaced persons; to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations; and to contribute to protecting United Nations personnel, facilities, installations and equipment and to ensuring the security and freedom of movement of its staff and United Nations and associated personnel.

2. In a presidential statement of 16 January 2007 (S/PRST/2007/2), the Security Council had taken note of the preliminary recommendations contained in the report of 22 December 2006 on Chad and the Central African Republic which the Secretary-General had submitted pursuant to Security Council resolution 1706 (2006) (S/2006/1019) and had requested him to deploy as soon as possible an advance mission to Chad and the Central African Republic (MINUTAC), in consultation with their Governments, to accelerate preparations for an early decision on the possible deployment of a multidimensional United Nations presence.

3. In a letter dated 7 March 2007 addressed to the Secretary-General, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) had provided commitment authority in an amount not exceeding $46,942,300 gross to meet the most urgent requirements of MINUTAC for the period from 1 March to 30 June 2007.

4. Expenditures incurred against the commitment authority amounted to $1,114,100 gross ($1,104,000 net), leaving a balance of the commitment authority in the amount of $45,828,200 gross ($45,256,300 net) to be utilized during the 2007/08 period.

5. Taking into account expenditures incurred up to 30 June 2007, the proposed budget for the 2007/08 period incorporated the balance of the commitment authority in the amount of $45,828,200 gross approved by the Advisory Committee on 7 March 2007. The proposed budget, which amounted to $197.4 million, provided for the deployment of 50 military liaison officers, 300 United Nations police officers, 545 international staff, 589 national staff, 144 United Nations Volunteers and 25 Government-provided personnel.

6. The actions to be taken by the General Assembly in connection with the financing of MINURCAT included the establishment of a special account for the purpose of accounting for income received and expenditure incurred in respect of the Mission; appropriation and assessment of the amount of $1,114,100 previously authorized by the Advisory Committee for MINUTAC for the period from 1 March to 30 June 2007; and appropriation and assessment of the amount of $197,444,000 for the establishment and deployment of the Mission for the 12-month period from 1 July 2007 to 30 June 2008, inclusive of the amount of $45,828,200 previously authorized by the Advisory Committee for MINUTAC.

7. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/62/572), said that the Advisory Committee recognized that a number of factors might affect the Mission's ability to deploy staff in accordance with planned schedules, including its ability to identify and recruit qualified national staff and the pace of deployment of the European Union operation.

8. In the view of the Advisory Committee, the structure of the Mission and the final allocation of posts and their grade levels should remain under review as the Mission was deployed. Accordingly, the Advisory Committee had made a number of comments and recommendations on post requirements, but had refrained from reviewing the proposal on a post-by-post basis. The Advisory Committee expected that the

budget for MINURCAT for the period from 1 July 2008 to 30 June 2009 would reflect the experience gained and would include further review, on the basis of actual workload, and justification of all staffing proposals.

9. During its consideration of the proposed budget, the Advisory Committee had been provided with a revised deployment schedule for aircraft indicating that the budget for aircraft could be reduced by $7.3 million. The Advisory Committee understood that the aircraft deployment schedule was dependent on the deployment of the European Union operation and the police component of MINURCAT, as well as on the deployment of United Nations staff.

10. The Advisory Committee recognized that adequate operational support was required as the Mission equipped itself and set up its own physical infrastructure. It therefore did not recommend any specific reductions in operational costs at the current time beyond those which were consequent to its recommendations on staffing costs and the revised aircraft deployment schedule. The Advisory Committee recommended, however, that the Secretary-General should undertake a rigorous review of the capacity of the Mission to effectively utilize the proposed resources for operational costs. A detailed update should be provided to the General Assembly at the time of its consideration of the proposed budget for MINURCAT for 2007/08.

11. In view of the uncertainties regarding the pace of deployment of personnel and operational resources, the Advisory Committee believed that the level of the proposed budget exceeded requirements. Taking into account the revised aircraft deployment schedule, as well as its specific recommendations on staffing, the Advisory Committee recommended a total reduction of $15 million in the proposed budget of MINURCAT.

12. **Mr. Debabeche** (Algeria), speaking on behalf of the African Group, said that the Group noted with appreciation that the Secretary-General had responded promptly to the provisions of Security Council resolution 1778 (2007) and had provided a budget proposal for MINURCAT. The Group also noted the budgetary request for the period 1 July 2007 to 30 June 2008 in the amount of $197 million and the Advisory Committee's recommendation to reduce that amount by $15 million.

13. The Group took note of the serious challenges involved in the deployment of the Mission, ranging from lack of water resources to poor infrastructure, and pointed out that sufficient financial and human resources and adequate operational support were necessary for an early start-up of the Mission.

14. The African Group noted the intention to establish close collaboration between MINURCAT and other peacekeeping missions in the region, the Sudanese Government, the African Union, the United Nations country team and the Office of the United Nations High Commissioner for Refugees (UNHCR). It was particularly pleased that, pursuant to Security Council resolution 1778 (2007), MINURCAT would help create security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons and the European Union would deploy an operation aimed at protecting civilians in danger, particularly refugees and displaced persons, and facilitating the delivery of humanitarian aid.

15. The African Group welcomed the establishment of the recruitment and staffing team ("Tiger Team") to fill posts in an expeditious manner and concurred with the Advisory Committee that the prioritization of critical posts was particularly important to the staffing of the Mission and to ensuring its effective functioning in the shortest possible amount of time.

16. The Group was concerned that, owing to the scarcity of qualified personnel to perform professional-level functions, the staffing proposal for MINURCAT included only 12 National Professional Officers. While it noted that a technical assessment survey of the local labour market had been conducted, that did not justify a seemingly unfavourable allocation of posts.

17. Lastly, the Group took note of the proposal to allocate $200,000 for quick-impact projects to support the production and distribution of water for the local population in eastern Chad. It trusted that the amount would be adjusted as deemed necessary.

18. **Mr. Ramos** (Portugal), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Montenegro and Serbia; and, in addition, Armenia, Iceland, Moldova and Ukraine, said that the European Union strongly supported the establishment of MINURCAT and the achievement of a lasting solution to the conflict in Darfur and the surrounding region.

The European Union had established a peacekeeping force (EUFOR Chad/Central African Republic) as part of a comprehensive package of enhanced commitment to a solution in the region and intended to mobilize all its diplomatic, political and financial instruments in support of that effort. It called for effective cooperation between MINURCAT and EUFOR Chad/Central African Republic to ensure that work on the ground proceeded as planned.

19. The European Union sought to ensure that every mission had the resources needed to effectively carry out its specific mandate; at the same time, it wished to ensure proper budgetary scrutiny. The European Union was committed to working with other delegations to facilitate the full deployment of MINURCAT and would explore the matter further during the informal consultations.

Agenda item 146: Financing of the United Nations Mission of Support in East Timor (A/62/555 and A/62/574)

20. Mr. Sach (Controller), introducing the final performance report of the United Nations Mission of Support in East Timor (A/62/555), said that the report presented information on the status of the financial accounts of the United Nations Mission of Support in East Timor (UNMISET) and the United Nations Transitional Administration in East Timor (UNTAET) as at 30 June 2007. Pursuant to General Assembly resolution 56/296, combined financial accounts had been maintained for UNTAET and UNMISET. Table 1 of the report contained information on income received, expenditure, unencumbered balances, credits returned to Member States and the fund balance for the period from inception (25 October 1999) to 30 June 2007. Table 2 contained information on cash assets and liabilities as at 30 June 2007.

21. In its resolution 61/282 on the financing of UNMISET, the General Assembly had decided that the unencumbered balance and other income as at 30 June 2006 in the amount of $31.8 million should be returned to Member States. However, as a result of delays in the receipt of outstanding assessed contributions, available cash was insufficient to implement decisions taken by the General Assembly in that resolution.

22. The General Assembly was invited to suspend, with effect from 29 June 2007, the provisions of paragraphs 9 through 12 of its resolution 61/282 regarding the disposition of credits due to Member States until outstanding assessed contributions were received and to retain in the Special Account for UNMISET the cash assets of the Mission as at 30 June 2007 in the amount of $15.8 million.

23. Additional information would be provided during the informal consultations, if so requested.

24. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/62/574), said that the Advisory Committee had considered both the final performance report of UNMISET and a detailed analysis of the Mission's liabilities and cash position, which had been provided to the Advisory Committee at its request. The Advisory Committee recommended that the available cash balances in the UNMISET account should be returned to Member States.

25. **Mr. Ramos** (Portugal), speaking on behalf of the European Union, commended the Secretariat for having complied with the General Assembly's request to submit the information contained in the report during the last quarter of 2007. Recalling that, at the beginning of the session, the European Union had asked the Bureau to explain why the issue of closed peacekeeping missions had not been included in the programme of work, he took the view that it would have been more efficient to consider the report within the broader context of that question.

Agenda item 138: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/62/468, A/62/557 and A/62/578)

Agenda item 139: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/62/374, A/62/556 and A/62/578)

26. **Mr. Thatchaichawalit** (Programme Planning and Budget Division), introducing the report of the Secretary-General on the budget for the International

Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009 (A/62/468), said that the proposed budget had been prepared on the basis of the revised and updated version of the Tribunal's completion strategy as outlined in the report to the Security Council of 31 May 2007 (S/2007/323).

27. Based on the projected trial schedule, it was anticipated that during 2008, the pace of trial activity would remain relatively unchanged vis-à-vis 2007 levels. However, an exponential increase in the quantity of appellate activity was anticipated as from 2009.

28. Of the 18 indicted persons still at large, the Prosecutor intended to transfer 12 to national jurisdictions for trial. It should be noted that the trial schedule and the related budget proposal did not take into account the resource requirements related to the trials of the remaining six fugitives, who were still at large. Estimates in respect of the six fugitives would be addressed in the context of revised estimates as and when the fugitives were apprehended.

29. The overall resources required for the biennium 2008-2009 for the Tribunal amounted to $286,687,300 gross before recosting, reflecting an increase of $9,559,600 gross, or 3.4 per cent, compared to the revised appropriation for the biennium 2006-2007.

30. The Tribunal proposed the retention of 693 posts, representing a decrease through abolition of 349 posts, or 33.5 per cent, over the current authorized staffing level of 1,042. Based on the projected trial schedule, 10 posts were proposed for abolition effective 1 January 2008 while the functions related to 339 posts would be gradually phased out over the course of 2009. To give the Tribunal the flexibility to accelerate or decelerate the phasing out of individual posts, it was proposed that the 339 posts should be abolished as of 1 January 2009 but that the related funding for the posts whose functions would continue through 30 June 2009 should be provided through general temporary assistance. That would enable the Tribunal not only to maintain critical functions in support of the trials to be held through 30 June 2009, but also to align staff requirements more closely with the servicing of the trials during a critical period of the completion phase.

31. As reflected in parts D and E of the report, in addition to the budgetary provisions for the operation of the Tribunal, the overall resource requirements included provisions for the redaction and digitization of audio-visual materials, including archiving of records, and a provision for the accrued liabilities related to after-service health insurance and pensions of retired judges.

32. Resources amounting to approximately $7.6 million were proposed for the redaction of audio-visual materials and the archiving of records, while some $41.5 million was proposed for the accrued liabilities related to after-service health insurance and pensions of retired judges.

33. Turning to the report of the Secretary-General on the budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2008-2009 (A/62/374), he drew attention to five main developments which would affect the workload of the Tribunal. The developments were outlined in paragraph 9 of the report.

34. The resource requirements for the biennium 2008-2009 were based on a trial schedule that included 14 cases. However, if the actual trial schedule varied significantly, the resource requirements would have to be reassessed and realigned and any additional requirements would be addressed in the context of the performance reports for the biennium 2008-2009. It should be noted that the trial schedule and the related budget proposal did not take into account the resource requirements related to the trials of the four fugitives who remained at large.

35. The overall level of resources required for the biennium 2008-2009 amounted to approximately $339.4 million before recosting, reflecting a real growth in resources of $12.9 million gross, or 3.9 per cent, compared to the revised appropriation for the biennium 2006-2007.

36. Based on the projected trial schedule, the staffing level was not expected to change in 2008. However, in 2009, the functions of 258 posts would be gradually phased out during the third and fourth quarters of the year. As in the case of the International Criminal

Tribunal for Rwanda, the funding of the 258 positions would be provided through general temporary assistance in order to allow the Tribunal the flexibility to accelerate or decelerate the phasing out of individual posts.

37. The proposal for the International Tribunal for the Former Yugoslavia included organizational changes in the Office of the Prosecutor and the Chambers Legal Support Section of the Registry, which would be implemented through a gradual redeployment of posts from trial support to appellate support. It was also proposed that the Chambers Legal Support Section should be strengthened and that the position of Head of Chambers should be upgraded from P-5 to D-1, with effect from 1 January 2008.

38. As reflected in parts D and E respectively, approximately $3.9 million was proposed for archiving of records and approximately $33.7 million was proposed for accrued liabilities for after-service health insurance and pensions of retired judges.

39. Turning to the second performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2006-2007 (A/62/557), he said that the Secretary-General proposed a final appropriation of approximately $279.5 million gross, which reflected an increase in requirements of approximately $2.4 million gross compared to the revised appropriation for the biennium 2006-2007.

40. The additional requirements reflected changes with respect to the combined effect of exchange rates and inflation and a commitment authority pursuant to General Assembly resolution 61/263 related to the standardized access control project. Those additional requirements were partially offset by decreases in post incumbency and other changes.

41. Lastly, introducing the second performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2006-2007 (A/62/556), he said that the Secretary-General proposed a final appropriation of approximately $348.9 million gross, which reflected an increase of some $22.4 million gross compared to the revised appropriation for the biennium 2006-2007. The increase in requirements reflected changes with respect to the combined effect of exchange rate fluctuations and inflation, a commitment authority for the standardized access control project and increases in post incumbency and other changes.

42. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/62/578), said that the two Tribunals had been considered together in order to facilitate discussion of cross-cutting issues which affected both, and drew attention to the recommendations contained in paragraphs 20, 24, 28, 29, 33, 35, 38 and 41.

43. Noting the completion strategies of the Tribunals, as endorsed and reconfirmed by the Security Council, the Advisory Committee pointed out that the related budget proposals did not take account of resource requirements for the trials of indicted persons who were still at large, and that the additional requirements would be presented as and when the fugitives were apprehended.

44. The Advisory Committee recommended that the General Assembly should take up the matter of the proposed provision for after-service health insurance in the context of the overall review of the funding of such liabilities at its sixty-third session and consider related additional requirements in the context of the Tribunals' first performance reports.

45. The Advisory Committee invited the Committee to approve the revised appropriations for the biennium 2006-2007 for the Special Account for the International Tribunal for the Former Yugoslavia and the Special Account for the International Criminal Tribunal for Rwanda, as indicated in paragraphs 24 and 35 of the report, and also to approve the resource requirements for the Tribunals outlined in the proposed programme budget for the biennium 2008-2009, subject to the Advisory Committee's recommendations.

46. **Mr. Ramos** (Portugal), speaking on behalf of the European Union, the candidate country Croatia and the stabilization and association process country Serbia, said that, while the European Union understood that the Advisory Committee had a heavy workload, it was disappointed at the late issuance of the Advisory Committee's report, which was only one in a series of documents received late in the session, leaving little time for proper discussion. Furthermore, the European Union wondered why only advance versions of the second performance reports had been available, and how that had affected the Advisory Committee recommendations regarding the resource requirements for the Tribunals in the proposed programme budget for the biennium 2008-2009.

47. The Tribunals played a vital part in bringing to justice those guilty of serious violations of international humanitarian law, fostering post-conflict reconciliation and sustainable peace and entrenching the rule of law, on the basis of the important principle that justice should be applied fairly and impartially in the trials of all the accused. Noting the move away from prosecution and first-instance trials towards the appellate phase, the European Union urged both Tribunals to continue implementing measures for the efficient conduct of trials, especially in view of the recent indications that late arrests in cases before the International Tribunal for the Former Yugoslavia had placed the completion strategy deadline of 2010 in doubt.

48. The European Union agreed with the Advisory Committee's recommendation to consider after-service health insurance in the context of the overall review of the issue at the sixty-third session of the General Assembly, on the basis of General Assembly resolution 61/264. Recalling the Controller's indication earlier in the current session that Member States owed $64 million to the budgets of the Tribunals as at 31 October 2007, it reiterated that Member States should comply with their obligations and pay their contributions in full.

49. **Mr. Debabeche** (Algeria), speaking on behalf of the African Group, said that his Group supported the work of the Tribunals, which were an integral part of the international system of justice and should be provided with suitable financial, administrative and other support. Having noted the completion strategy established by the Security Council for the work of the International Criminal Tribunal for Rwanda, and particularly the plans to discontinue posts in two phases in 2009, the Group stressed that the scaling-down of staff numbers must not affect fulfilment of the Tribunal's mandate in its final stages and that key personnel should be retained. Recalling that both Tribunals' completion strategies provided for the transfer of certain cases to competent national jurisdictions, the Group welcomed the arrangements put in place to monitor proceedings transferred to European and African countries from the International Criminal Tribunal for Rwanda, and the readiness of the African Union to make consultants available for monitoring functions.

50. In connection with the second performance reports for the biennium 2006-2007 (A/62/556 and A/62/557), the Group welcomed the implementation of the General Assembly's decision, contained in its resolution 61/262, to revise the emoluments of the Tribunal judges. It also welcomed the efforts of the International Criminal Tribunal for Rwanda to reduce travel costs and the support it had received from Member States through contributions to its Voluntary Trust Fund. Finally, the Group echoed the concerns expressed by the representative of Portugal, on behalf of the European Union, regarding the late submission of the relevant documents to the Fifth Committee.

51. **Mr. Hillman** (United States of America) reiterated his delegation's view that scheduling the discussion of the performance and proposed financing of the Tribunals so late in the session left little time to analyse the Secretary-General's resource requests for the coming biennium. Member States were being asked to make a sizeable financial commitment on the basis of a cursory examination of the proposals and little or no discussion of the financial and administrative management and overall efficiency of the Tribunals. Believing that limiting the time devoted to considering such significant resources was fiscally irresponsible, the United States agreed with the Advisory Committee that future budget proposals and performance reports should be submitted earlier to enable the General Assembly to review them in a timely manner.

52. **Mr. Chando** (Malawi) said that the Tribunals played an important part in administering international law and ensuring justice, which was essential for bringing about and sustaining peace and reconciliation. However, the Tribunals' ability to maintain and improve their efficiency depended on the presence of experienced staff. The departure of such staff at the current critical stage would affect the progress of trials. His delegation therefore called on the Secretary-General to ensure that steps were taken to retain experienced and qualified judges and personnel.

53. **Mr. Sach** (Controller), recalling the Advisory Committee's recommendation that the consideration of the funding of after-service health insurance should be deferred until the sixty-third session, expressed concern that the current problem was being prolonged: the General Assembly had already deferred the issue two years previously and the Tribunals' level of unfunded liabilities stood at $45 million. Although such deferrals usually helped to restrict expenditure, the failure to cover unfunded liabilities in a timely fashion exacerbated the situation, in the current case,

with unfunded sums growing through compound interest.

54. The Secretary-General had requested resources for after-service health insurance in the light of the Tribunals' completion strategies. While the accounts of the Tribunals were limited in time, they could not be closed with unfunded liabilities. Consequently, benefits due would either remain unpaid or be transferred to the regular budget as a liability. That would cause complications because the scale of assessments for the Tribunals and the scale of assessments for the regular budget were not identical. It was therefore important for the General Assembly to undertake to resolve the problem of financing after-service health insurance liabilities at its sixty-third session.

55. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), responding to the comments made by the representative of Portugal on behalf of the European Union, said that the second performance reports were important to the General Assembly's consideration and approval of the regular budget for the biennium 2008-2009. In its report on the regular budget, the Advisory Committee had taken account of issues including expenditure statements and the vacancy situation for the current period up until 31 May 2007. The second performance reports included information updated until October 2007, as well as estimates for the last two months of 2007.

56. The Advisory Committee believed that decision-making should not focus simply on underexpenditure or overexpenditure, but also take into account programme managers' performance regarding issues such as post incumbency, travel expenditure and general operating expenses. With that reasoning applying equally to the resource requirements of the Tribunals, the Advisory Committee saw no reason why performance reports should not be submitted in early November along with the budget proposals, in order to ensure proper scrutiny of all aspects of the reports by the Fifth Committee.

57. Turning to the comments made by the Controller, he recalled that the Advisory Committee had indicated clearly in its report that the General Assembly, by its resolution 61/264, had decided to revert to consideration of the funding of after-service health insurance as a matter of priority at its sixty-third session. He agreed that the matter should be addressed as a priority at that session, and that the General Assembly should reach a decision on it.

The meeting rose at 11.10 a.m.